IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

WP(C).No. 272 of 2007(G)

OS.130/2006 of MUNSIFF COURT,ALUVA
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PETITIONER:

BHASKARAN MOOSATH, S/O. DAMODARAN
MOOSATH, VADAKKUMCHERRY ILLAM,
CHENGAMANAD KARA & VILLAGE.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

DEEPA, D/O. ANANDAKRISHNA SHARMA,
VADAKKE MANA, CHENGAMANAD KARA & VILLAGE.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.272 OF 2007

Dated 3rd January 2007

J U D G M E N T

Petitioner is plaintiff in O.S.130/06 on the file of Munsiff court, Aluva. Respondent is the defendant. Petitioner filed I.A.769/06, an application for an order of temporary injunction restraining respondent from constructing a septic tank and soak pit, in violation of the provisions of Section 30 of Travancore Cochin Public Health Act, 1955. As per order dated 4/4/2006, respondent was permitted to construct the septic tank, after recording her undertaking to the effect that she will construct only a septic tank in his property as per law. Petitioner then filed I.A.1022/06 (Ext.P7) for an order directing respondent to construct the septic tank beyond the distance of 50 feet from the well. Grievance of petitioner was that Ext.P7 application was dismissed without considering Section 30 of the Act and though the order was passed on 15/12/2006 and he filed Ext.P7 application for a certified copy of

the order it was not furnished to him so far. This petition is filed under Article 227 of Constitution of India for a direction to the learned Munsiff to issue certified copy of the order immediately. Petitioner has also sought a direction to the respondent not to complete the construction within the prohibited distance of 50 feet till petitioner gets a certified copy.

2. Learned Munsiff is directed to issue certified copy of the order applied under Ext.P7 application without any delay, if he filed or files an urgent copy application. Respondent is restrained from using the septic tank for seven days from today.

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.